IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.303 OF 2006

1. Madan Balu More,
2. Raju Shankar Salunkhe,
3. Pradeep Pangrao Savekar. ...Applicants

V/s.

State of Maharashtra. ...Respondent

Mr.H.E Palwe for Applicants.
Ms.Rajashree M. Gadhavi, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 24, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned A.P.P. for the State.

. The applicants have filed this application for anticipatory bail as they have an apprehension that they are likely to be arrested in connection with an offence which is registered with the Sion Police Station for the offence punishable under Section 3(1)(x) of the SCST Act and under Sections 504, 506 read with Section 34 of the IPC.

2. The complainant was working in the office where the applicants were also the employees. It is submitted

by the learned Counsel for the applicants that on account of several memos issued against the complainant, his services were terminated and thereafter, the present complaint was filed in which it is alleged that the applicants had abused the complainant in the cabin of the applicant.

3. Learned Counsel submits that prima facie case has been made out for grant of anticipatory bail.

4. Learned APP submits that by virtue to provisions of Section 18 of the said Act, this Court has no jurisdiction to grant anticipatory bail in cases where the complaint is filed under the said Act.

5. This Court in the case of **Ramchandra Govindrao Watkar V/s. State of Maharashtra (1995) 2 Mah.Law Journal 679** while interpreting Section 18 of the Act has held that a mere registration of the offence under the Act does not automatically dis-entitle the accused for applying for anticipatory bail under Section 438 and it is prima facie true that the complaint which is filed

does not come within the purview of the provisions of the said Act, the Court is entitled to grant anticipatory bail. I have perused the complaint as also the statement of other witnesses. From the said statement, it appears that the allegation against the applicant is that the complainant was abused in the cabin of the applicant. In my view, the said abuses prima facie does not appear to be abuses on the base of the caste of the complainant. In my view, the applicants are entitled to be released on bail.

6. The applicants be released on bail, in the event of their arrest, in the sum of Rs.5000/- each with one or two sureties in the like amount, in connection with C.R.No.527/2005 which is registered against them with the Sion Police Station for the offences punishable under Section 33(1)(x) of the SCST Act and under Section 504, 506 read with 34 of the IPC. The applicants shall, however, report to Sion Police Station for a period of one week from 11 a.m. to 5 p.m.

. With these directions, application is disposed of.

(V.M. KANADE, J.)